

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LOUISIANA WHOLESALE DRUG CO., INC.,)	Civil Action No. 07-cv-7343 (HB)
)	
Plaintiff,)	Hon. Harold Baer, U.S.D.J.
)	ECF CASE
v.)	
)	
SANOFI-AVENTIS, SANOFI-AVENTIS)	
U.S., LLC and AVENTIS)	
PHARMACEUTICALS, INC.,)	
)	
Defendants.)	
)	

**DEFENDANTS SANOFI-AVENTIS US LLC' AND
AVENTIS PHARMACEUTICALS INC.'S MOTION TO DISMISS
THE COMPLAINT FOR FAILURE TO STATE A CLAIM**

NOW INTO COURT, through its undersigned counsel, come Defendants sanofi-aventis u.s. llc, and Aventis Pharmaceuticals, Inc. (collectively, "Aventis"), who pursuant to Fed. R. Civ. P. 12(b) and for reasons more fully set forth in the accompanying Memorandum of Law, move for the dismissal of Plaintiff Louisiana Wholesale Drug Co, Inc.'s Complaint for failure to state a claim upon which relief can be granted.

WHEREFORE, Aventis prays that this Honorable Court grant this Motion to Dismiss the Complaint for Failure to State a Claim.

Dated: October 15, 2007

Respectfully submitted,

/s/ Christopher R. Farrell
John M. Majoras
Julia E. McEvoy (admitted *pro hac vice*)
Michael S. Fried
Christopher R. Farrell (admitted *pro hac vice*)
Jones Day
51 Louisiana Avenue, NW
Washington, DC 20001
Tel.: 202-879-4645
Fax: 202-626-1700

*Counsel for SANOFI-AVENTIS U.S. LLC and
AVENTIS PHARMACEUTICALS INC.*

CERTIFICATE OF SERVICE

I, Christopher R. Farrell, certify that the foregoing Motion to Dismiss the Complaint for Failure to State a Claim was served on October 15, 2007, on the counsel listed below in the manner(s) indicated below:

Bruce E. Gerstein Barry S. Taus Anne K. Forneker GARWIN GERSTEIN & FISHER LLP 1501 Broadway, Suite 1416 New York, NY 10036	Daniel Berger Adam Moskowitz Tucker Ronzetti KOZYAK TROPIN & THROCKMORTON 2525 Ponce De Leon Blvd, 9th Floor Miami, FL 33134
<i>Via ECF Filing and Federal Express</i>	<i>Via Federal Express</i>
John Gregory Odom Stuart E. Des Roches ODOM & DES ROCHE, LLP Suite 2020, Poydras Center 650 Poydras Street New Orleans, LA 70130	Linda Nussbaum KAPLIN FOX & KILSHEIMER, LLP 850 Third Avenue, 14th Floor New York, NY 10022
<i>Via Federal Express</i>	<i>Via ECF Filing</i>
David P. Smith W. Ross Foote PERCY, SMITH & FOOTE LLP 720 Murray Street P.O. Box 1632 Alexandria, LA 71309	Brent Barriere Susie Morgan PHELPS DUNBAR Canal Place, Suite 2000 365 Canal Street New Orleans, LA 70130
<i>Via Federal Express</i>	<i>Via Federal Express</i>
David F. Sorensen Eric L. Cramer BERGER & MONTAGUE, P.C. 1622 Locust Street Philadelphia, PA 19103	
<i>Via ECF Filing</i>	

/s/ Christopher R. Farrell
Christopher R. Farrell

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U.S., LLC and AVENTIS)	
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Defendants.)	
)	

PROPOSED ORDER

Upon consideration of Defendants sanofi-aventis u.s. llc and Aventis Pharmaceuticals, Inc.'s Motion to Dismiss the Complaint for Failure to State a Claim, it is this ____ day of _____, 2007, hereby

ORDERED that Plaintiff Louisiana Wholesale Drug Co., Inc.'s Complaint is DISMISSED with prejudice.

UNITED STATES DISTRICT JUDGE